

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 72 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BUDHABHAI L CHAUHAN

Versus

BOTAD MUNICIPALITY

Appearance:

None present for Petitioners

MR DM THAKKAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/03/98

ORAL JUDGMENT

The petitioners, five in all, who are the employees of the respondent-Botad Municipality, filed this Special Civil Application and prayer has been made for quashing and setting aside the order dated 24th November 1986 of the respondent under which their services were terminated.

2. This Court has protected the petitioners by grant of mandatory ad-interim relief. So for all these years, the petitioners are continued in service. The petitioners challenge the order of the respondent terminating their services, interalia on the ground that before passing the said order the provisions of Section 25F and 25N of the Industrial Disputes Act, 1947 have not been complied with.

3. Reply to the Special Civil Application has not been filed by respondent and as such, whatever averments made therein stand uncontroverted. The factual averments made in the Special Civil Application are to be accepted and as such, it is to be accepted that before terminating the services of the petitioners, the respondent has not complied with the provisions of Sections 25F and 25N of the Industrial Disputes Act, 1947. The learned counsel for the respondent does not dispute that the petitioners are the 'workmen' and the respondent an 'industry'.

4. Taking into consideration the totality of the facts of this case, the order impugned in this Special Civil Application cannot be allowed to stand and the same is quashed and set aside. Rule made absolute. No order as to costs.

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(sunil)